

STATE OF GEORGIA
COUNTY OF FULTON

ORDINANCE TO AMEND (8-23-2021) AN ORDINANCE OF THE CITY OF
FAIRBURN GEORGIA (7-8-2020) PROVIDING FOR THE HEALTH SAFETY
AND WELFARE OF THE GENERAL PUBLIC, REQUIRING WITH CERTAIN
EXCEPTIONS THAT FACE COVERINGS OR MASKS TO BE WORN
TO HELP PREVENT THE FURTHER SPREAD OF COVID-19, TO PROVIDE FOR
CERTAIN EXCEPTIONS, AND FOR OTHER PURPOSES

WHEREAS, the duly elected governing authority of the City of Fairburn, Georgia is the Mayor and Council thereof; and

WHEREAS, the governing authority is empowered to provide for the health, safety, and welfare of the residents, employees, businesses, and visitors within the City; and

WHEREAS, the spread of the COVID-19 virus has been declared a global pandemic by the World Health Organization ("WHO"); and

WHEREAS, the COVID-19 virus and newly developing variants thereof continue to represent a substantial threat to public safety; and

WHEREAS, according to the United States Centers for Disease Control, the transmission rate for COVID-19 is rated as HIGH in Fulton County, Georgia; and

WHEREAS, the health, safety, and welfare of residents, businesses, employees, and visitors are the top priority of the governing authority; and

WHEREAS, the governing authority and staff have been closely monitoring the spread of COVID-19 and the associated guidance from medical professionals, public health officials and involved state and federal government agencies to help stop the spread of the disease; and

WHEREAS, the number of positive COVID-19 cases, hospitalizations and deaths has again been rising throughout Fulton County; and

WHEREAS, the World Health Organization has indicated that COVID-19 is spread primarily by respiratory droplets produced when an infected person coughs or sneezes and such droplets generated by talking, laughing, or exhaling; and

WHEREAS, the Director for the Centers for Disease Control, Dr. Robert Redfield, has stated as many as one in four people who are infected with COVID-19 show no symptoms, and that people who do not experience symptoms can spread COVID-19 to other individuals; and

WHEREAS, the CDC has stated that people infected with COVID-19 are contagious before they start showing symptoms, and that individuals who are infected can spread the virus to others before the onset of symptoms; and

WHEREAS, the weight of medical expertise acknowledges that there is a significant amount of asymptomatic spread and recommends that individuals use face coverings to reduce the spread of COVID-19; and

WHEREAS, Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, has further recommended that individuals wear facial coverings to prevent individuals from infecting others; and

THEREFORE, BE IT HEREBY ORDAINED that a facial covering or mask, which covers the nose and mouth, shall be required in commercial establishments within the City of Fairburn to slow the spread of COVID-19 as follows:

1. All persons entering a commercial establishment, including restaurants, retail stores, salons, barber shops, grocery stores and pharmacies in the City must wear a face covering or mask while inside the establishment. This paragraph does not apply to religious establishments; however, the use of face coverings is also strongly recommended in religious establishments.
2. All commercial establishments open to the general public, including restaurants, retail stores, salons, barber shops, grocery stores, and pharmacies in the City shall require all employees to wear a face covering or mask at all times while engaged in face-to-face interaction with the public.
3. Any person who is unable to safely wear a face covering due to age, underlying health condition(s), or is unable to remove the face covering without assistance of others is exempt from this Ordinance.
4. Face coverings and masks are not required in the following circumstances:
 - a. While in motor vehicles;

- b. When a person is alone in an enclosed space or only with other household members;
 - c. During outdoor physical activity, provided the active person maintains proper social distancing at a minimum of six (6) feet from others who are not household members;
 - d. While eating, drinking, or smoking, including while seated within a restaurant; provided, however, that a face covering or mask must be worn while entering, leaving, or otherwise moving about within a restaurant;
 - e. When a licensed health provider has determined wearing a face covering causes or aggravates a health condition in the specific individual;
 - f. When wearing a face covering would prevent the receipt of personal services; and
 - g. When a person is younger than five (5) years old.
5. All establishments subject to this ordinance shall post a sign in a clearly visible location near the front entrance stating that Per City Ordinance, All Persons Entering This Establishment Must Wear A Mask Or Face Covering And Violators Are Subject To A Fine Of Up To \$25.00. Once seated in a restaurant to consume food or drink, such mask or face covering may be removed for dining purposes.
6. A person who fails to comply with the requirements of Section I of this Ordinance shall be guilty of a civil infraction punishable by a fine of not more than \$25.00; provided, however, that for the first (1 st) violation, a warning shall be issued.
7. A person who fails to comply with Section 2 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$25.00. Each day of a continuing violation of this Ordinance shall be considered a separate and

distinct offense. In addition to the fines established herein, persons who own, manage, operate, or otherwise control a business subject to this Ordinance found in repeated violation hereof, shall, along with their business, be subject to treatment as a public nuisance, which may be abated as provided for by law. All reasonable efforts should, however, be made to bring businesses into compliance with this Ordinance prior to enforcement actions.

Effective Dates

Unless otherwise renewed and extended, this Ordinance shall expire at 11:59 PM on October 11, 2021.

Severability

Should any provisions, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance shall remain in full force and effect.

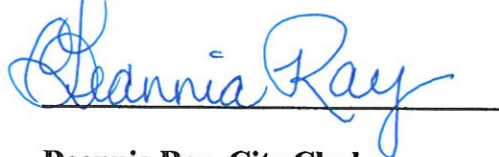
BE IT ORDAINED by the City Council of Fairburn, this 23rd day of August 2021.

CITY OF FAIRBURN, GEORIGIA



Elizabeth Carr-Hurst, Mayor

ATTEST:



Deannia Ray, City Clerk

Approved:



William R. Turner, City Attorney

